THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.16374, 16388 and 16389 of 2006

Dated:07.08.2006

WRIT PETITION No.16374 of 2006

Between:

Ganto Manoj Kumar.

…Petitioners

and

The District Registrar, Registration and Stamps Department, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.16388 of 2006

Between:

Ganto Suresh.

…Petitioners

and

The District Registrar, Registration and Stamps Department, Visakhapatnam, and another.

…Respondents

WRIT PETITION No.16389 of 2006

Between:

Ganto Manoj Kumar and another.

…Petitioners

and

The District Registrar, Registration and Stamps Department, Visakhapatnam, and another.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.16374, 16388 and 16389 of 2006

COMMON ORDER:

These three Writ Petitions can be disposed of by this common order. As an illustrative case, the facts in W.P.No.16374 of 2006 may be noticed. Yellanki Appa Rao and Yellanki Appayya, who are the owners of the land admeasuring Ac.0.33¼ cents in patta No.149 covered by Survey No.51/1C situated at Adavivaram Village of Chinagadhili Mandal in Visakhapatnam District, allegedly executed General Power of Attorney in favour of the petitioner on 09.02.2004. The same was submitted before the second respondent for the purpose of registration, who by an endorsement dated 09.11.2004 rejected the registration on the ground that registration is prohibited by reason of the notification issued in G.O.Ms.No.508, dated 28.07.2000, under Section 22-A of the Registration Act, 1908 (for short 'the Act') as amended by the Registration (A.P.Amendment) Act, 1999. Feeling aggrieved by the same, the petitioner preferred an appeal under Section 72 of the Act before the first respondent. The first respondent rejected the same, being O.A.No.3 of 2004, on 21.05.2005. After lapse of one year, the petitioners filed the present Writ Petitions seeking invalidation of the orders passed by the District Registrar, Visakhapatnam.

The learned Counsel for the petitioners placed strong reliance on the decision of the Supreme Court in **State of Rajasthan v. Basant Nahata**[1] as well as an unreported judgment of this Court rendered by Hon'ble Sri G.S.Singhvi, the Chief Justice, and Hon'ble Sri Justice R.Subhash Reddy, in W.P.No.14099 of 2003 and batch, dated 07.12.2005. **Per contra,** the learned Assistant Government Pleader for Revenue (General) submits that in the two decisions cited by the learned Counsel for the petitioners the Courts directed not to reopen the cases which are already rejected, and placed reliance on the following observations made by the Division Bench of this Court in W.P.No.14099 of 2003 and batch.

> However, it is made clear that this order shall not have the effect of invalidating the orders already passed by the competent authorities refusing to register the documents in pursuance of notifications issued under Section 22-A(1) of the Act. Of course, the aggrieved person shall be free to avail appropriate legal remedy against such order(s).

To the same effect, the Supreme Court made the observations

in para 68 in **State of Rajasthan v. Basant Nahata** (supra).

Therefore, these Writ Petitions cannot be entertained. If so advised, the petitioners may file suits under Section 77 of the Act for redressal, and the Writ Petitions are accordingly dismissed. No costs.

(V.V.S.RAO, J)

07.08.2006
vs

[1] (2005) 12 SCC 77